

CLEAN AIR ACT7-114. Implementation of Operating Permits Program**1. AUTHORITY.**

- a. To promulgate and administer the federal operating permits program under Title V of the Clean Air Act and 40 C.F.R. Part 71.
- b. To promulgate and administer the State, local, and Tribal operating permits program under Title V of the CAA and 40 C.F.R. Part 70.

2. TO WHOM DELEGATED. Director, Air and Radiation Division.**3. LIMITATIONS.**

- a. The Administrator retains the authority to respond to petitions objecting to the issuance of permits filed in accordance with Section 505(b)(2) of the CAA.
- b. The Administrator retains the authority to promulgate and revise nationally applicable provisions of the operating permits programs under 40 C.F.R. Parts 70 and 71.
- c. The delegated official shall afford the assistant administrators for the Office of Air and Radiation, the Office of Enforcement and Compliance Assurance, and the Office of General Counsel an opportunity to review, and if necessary non-concur on, the proposed decision prior to:
 1. Approving or disapproving State, local, and Tribal operating permits programs and revisions, pursuant to Subsection 502(d) of the CAA, delegated in 1.b. or
 2. Providing notice that a permitting authority is not adequately administering and enforcing a program, or portion thereof, in accordance with the criteria defined in 40 C.F.R. Part 70, delegated in 1.b. or
 3. Withdrawing approval of a State, local, or Tribal program or portion thereof, under 40 C.F.R. Part 70, delegated in 1.b. or
 4. Promulgating a federal operating permits program for a State, local government, or Tribe that varies from the nationally applicable federal program under 40 C.F.R. Part 71, delegated in 1.a.

4. REDELEGATION AUTHORITY.

- a. With the exception of authorities subject to the limitations in 3.c. the authority in 1.a. and 1.b. may be redelegated to the branch chief level, or equivalent, and no further.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

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5. **ADDITIONAL REFERENCES.** None.



Debra H. Thomas
Acting Regional Administrator

APR 29 2019

Date